

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERY S URENA,

Plaintiff,

-against-

CAROLYN W. COLVIN,

Defendant.

13 Civ. 06270 (LGS) (DCF)

OPINION & ORDER

LORNA G. SCHOFIELD, District Judge:

Before the court is the Report and Recommendation of Magistrate Judge Freeman (the “Report”), recommending that Plaintiff’s motion for judgment on the pleadings be granted in part, and that Defendant’s cross motion be denied. For the reasons stated below, the Report is adopted in its entirety.

Plaintiff Merys Urena brings this action against Defendant Carolyn W. Colvin, Acting Commissioner of Social Security (the “Commissioner”), seeking judicial review of a final decision of the Commissioner denying Plaintiff’s application for Social Security Disability Income and Supplemental Security Income under the Social Security Act. On March 6, 2014, Plaintiff moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) and on June 9, 2014, Defendant cross-moved for the same. On January 5, 2015, Judge Freeman issued the Report to which no objection was filed.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. 636(b)(1)(C). The district court “may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the

findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.”

Adams v. New York State Dep’t of Educ., 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

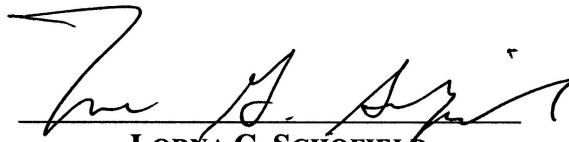
The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Plaintiff’s motion for judgment on the pleadings is GRANTED in part to the extent she requests a remand for further consideration of her mental impairments, and Defendant’s cross motion is DENIED.

The case is REMANDED to the Commissioner for further consideration of Plaintiff’s mental impairments. Upon remand, the Administrative Law Judge shall consider all the medical opinion evidence in the record as further described in the Report.

The Clerk of Court is directed to close the motions at Dkt. Nos. 12 and 19, and to close this case.

SO ORDERED.

Dated: February 11, 2015
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE